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10/050,162	01/18/2002	Jun-ichi Yamato	ND-415US	7609

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EXAMINER	
O'STEEN, DAVID R	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/050,162	YAMATO ET AL.	
	Examiner	Art Unit	
	David R. O'Steen	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims 1,2,4,5,7,8,10-12 CR 9/29/06

4)☒ Claim(s) ~~1-12~~ is/are pending in the application.

4a) Of the above claim(s) ~~3,6 and 9~~ is/are withdrawn from consideration. CR 9/29/06

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,5,7,8,10 and 11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 12, 2005 have been fully considered but they are not persuasive. On page 8 of the Remarks section, the applicant describes the invention as disclosed in the specification filed January 18, 2002, especially the privacy feature. After describing the privacy feature, the applicant further states, on page 9 of the Remarks section, that the limitation "wherein said electronic program guide preparation server... program processing apparatus" to the independent claims 1, 2, 5, 8, and 11. This limitation is essentially identical to the limitation disclosed in dependent claims 3, 6, and 9 submitted to the office on January 18, 2002 (and now cancelled). In the non-final office action mailed on May 31, 2006, the previous examiner relied on Ellis (US 6,898,762) to reject the three now cancelled claims 3, 6, and 9. In paragraph 5 of page 9 of the Remarks section, the applicant disputes the examiner's position that the Ellis meets the "privacy level setting, and does not teach that this setting can be used to determine distribution (e.g. pricing) of the program guide." Referring to the office action mailed May 31, 2006, the applicant states that Ellis teaches parental controls. In the same paragraph of page 10, the applicant states that the present invention uses privacy controls to prevent or block the "the program server from receiving or monitoring the user behavior" as opposed to controlling "access of another user to program content." On page 10, the applicant traverses the rejection of Claim 5 for reasons similar to the ones cited above. Also, on page 11, applicant states that claims 1, 2, 5, 8, and 11 now

amended require that the "privacy level setting must be used by the program guide server to determine whether the program guide should be distributed. Specifically, in the present invention, the high privacy level may result in higher charges for the use of the program guide" (lines 1-4). The applicant also states that guide access might be cheaper for users willing to share their behavioral data. After maintaining that none of the examiner's cited references disclose these elements the applicant requests the allowance of these claims and their dependent claims.

Unfortunately, the examiner must disagree. While the figures and lines of Ellis cited in the May 31st Office Action do not disclose blocking a server from monitoring viewer behavior nor does it appear to effect the pricing of the program guide for user, the examiner maintains that it does not have to. The full text of the limitation amended to Claims 1, 2, 5, 8, and 11 reads "wherein said electronic program guide preparation server determines whether or not an electronic program guide should be distributed to said program processing apparatus based on a privacy level of information sent thereto from said program processing apparatus." This limitation, read as broadly as reason allows, does not suggest the innovations discussed by the applicant such as blocking a server from monitoring viewer behavior. The examiner maintains that the Ellis, especially col. 18, lines 32-62, meets the above cited limitation by allowing a user to "control titles, programs, or channels using Boolean or natural language expressions" (col. 18, lines 32-34). This is the 'privacy level information' of the above limitation. The program server then "processes the expression and indicates the programs that are locked to the program guide client when providing listings to the program guide client"

(col. 18, lines 58-61). This corresponds to the EPG preparation server determining whether or not an electronic program guide should be distributed to said program processing apparatus. The examiner would also like to note that while Ellis calls these controls "parental controls," they can be used for a variety of purposes. Many television uses object to adult content being broadcast in any way into the privacy of their own homes for reasons besides children (such as due to religious objections to such content) and therefore welcome "parental controls" for these very reasons.

On a final note, corrections made to specification and claims have been noted by the examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 8, 10, and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Wood (US 2003/0044165) in view of Ellis (US 6,898,762).

Regarding Claim 1, Wood discloses a program processing apparatus (figure 1), comprising: electronic program guide acquisition means (103 – figure 1) for acquiring an electronic program guide (¶ 27). Wood discloses channel guide data source 109 provides periodic updates to the local channel guide database 103. Wood teaches, condition determination means (104 – figure 1) for determining a condition of each of

programs to be displayed on the electronic program guide (¶ 29). Further disclosed, the criteria database stores user specified criteria for selection of shows for recording (¶ 43). Also, programs that are to be recorded have a single dot displayed next to the title as shown for "Scooby Doo" in figure 8. Wood teaches, electronic program guide displaying means (112 – figure 1) for displaying the electronic program guide in a display form wherein the electronic program guide reflects the conditions of the programs determined by said condition determination means (¶ 34). Wood discloses in figures 8 and 9, the program guide is displayed with condition data. For example figure 8 shows "Scooby Doo" is set to be recorded once as shown by a single dot next to the title (¶ 50) and figure 9 shows "Scooby Doo" is set to have all episodes recorded as shown by two dots next to the title (¶ 51). Wood teaches, program processing means (101 – figure 1) operable in response to selection, by a user, of one of the programs included in the electronic program guide displayed by said electronic program guide displaying means for executing a program process in accordance with the condition of the selected program (¶ 26 and 29). Wood discloses when processor 101 discovers a recording match between the program guide stored on channel database 103 and criteria database 104, the processor causes the video input signals to be recorded on video storage 105. Wood, however, fails to disclose wherein said electronic program guide preparation server determines whether or not an electronic program guide should be distributed to said program processing apparatus based on a privacy level of information sent thereto from said program processing apparatus.

In an analogous art, Ellis teaches, the electronic program guide preparation server (25 – figure 2c) determines whether or not an electronic program guide should be distributed to said program processing apparatus (23 – figure 2c) based on a privacy level of information sent thereto from said program processing apparatus (Col. 18, lines 32-61). Ellis discloses a user may indicate a desire to set parental controls or "privacy level" for programs and channels that are displayed in the program guide and these settings will be stored on storage device 56 of program guide server 25 (Col. 6, lines 13-17). Programs and channels that match the user's defined parental controls will be locked and the information will not be made available.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wood with the teachings of Ellis in order to facilitate the electronic program guide preparation server determines whether or not an electronic program guide should be distributed to said program processing apparatus based on a privacy level for the benefit of locking programs to prevent unauthorized viewers from watching programs that they are not authorized to view.

Regarding Claim 8, Wood discloses a program processing system (figure 1) for performing a program process using an electronic program guide, comprising: a program processing apparatus for executing a program process (¶ 24). Wood discloses in figure 1 a video data recorder or "program processing apparatus" that comprises a processor 101, a channel guide database 103, a criteria database 104, a video storage 105, program logic memory 102, a video compressor/decompressor 112, and a user interface 108 (¶ 25). Wood teaches, an electronic program guide preparation server

(109 – figure 1) for preparing an electronic program guide (¶ 27). Wood discloses channel guide data could be provided from TV Guide, TV Data, or Tribune media which all must have a server to prepare an electronic program guide. Wood teaches, program processing apparatus (VDR – figure 1) including reception means (103 – figure 1) for receiving an electronic program guide from said electronic program guide preparation server (109 – figure 1) and displaying means (101,112 – figure 1) for preparing an electronic program guide of a display form modified in accordance with the conditions of the programs to be displayed on the electronic program guide and displaying the prepared electronic program guide (¶ 33-34). Wood discloses figures 8 and 9 the display of EPGs that include condition data. Figure 8 shows "Scooby Doo" is set to record by displaying a single dot next to the title (¶ 50), while figure 9 shows "Scooby Doo" is set to record the series by displaying two dots next to the title (¶ 51). Wood fails to disclose, wherein said electronic program guide preparation server determines whether or not an electronic program guide should be distributed to said program processing apparatus based on a privacy level of information sent thereto from said program processing apparatus.

In an analogous art, Ellis teaches, the electronic program guide preparation server (25 – figure 2c) determines whether or not an electronic program guide should be distributed to said program processing apparatus (23 – figure 2c) based on a privacy level of information sent thereto from said program processing apparatus (Col. 18, lines 32-61). Ellis discloses a user may indicate a desire to set parental controls or "privacy level" for programs and channels that are displayed in the program guide and these

settings will be stored on storage device 56 of program guide server 25 (Col. 6, lines 13-17). Programs and channels that match the user's defined parental controls will be locked and the information will not be made available.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wood with the teachings of Ellis in order to facilitate the electronic program guide preparation server determines whether or not an electronic program guide should be distributed to said program processing apparatus based on a privacy level for the benefit of locking programs to prevent unauthorized viewers from watching programs that they are not authorized to view.

As for Claim 10, Wood fails to disclose, wherein a consideration which differs depending upon a privacy level of information sent from said program processing apparatus is imposed for distribution of an electronic program guide from said electronic program guide preparation server to said program processing apparatus.

In an analogous art, Ellis teaches wherein a consideration which differs depending upon a privacy level of information sent from said program processing apparatus (23 – figure 2c) is imposed for distribution of an electronic program guide from said electronic program guide preparation server (25 – figure 2c) to said program processing apparatus (Col. 18, lines 32-61). Ellis discloses a user may indicate a desire to set parental controls (2100 – figure 23) or "privacy level" for programs and channels that are displayed in the program guide and these settings will be provided to the server (2210 – figure 23) and stored on storage device 56 of program guide server 25 (Col. 6,

lines 13-17). Programs and channels that match the user's defined parental controls (2250 – figure 23) will be locked and the information will not be made available.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wood with the teachings of Ellis in order for a consideration which differs depending upon a privacy level of information sent from said program processing apparatus is imposed for distribution of an electronic program guide from said electronic program guide preparation server to said program processing apparatus for the benefit of locking programs to prevent unauthorized viewers from watching programs that they are not authorized to view.

Regarding Claim 12, Wood discloses a computer readable medium encoded with a computer program (102 – figure 1) for causing a computer to execute the steps of: receiving an electronic program guide through a communication network (¶ 27). Wood teaches, displaying the received electronic program guide (figure 7; ¶ 36). Wood teaches, executing a program process in response to selection of one of the selection sections displayed on the electronic program guide (figures 8-9; ¶ 50-51). Wood, however, fails to disclose receiving a program guide in response to a privacy level selected by the user.

Ellis discloses receiving a program guide in response to a privacy level selected by the user (certain sections may altered to conform to the privacy level settings, col. 18, lines 32-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wood with the teachings of Ellis, an analogous art, in order to facilitate the electronic program guide preparation server determines whether or not an electronic program guide should be distributed to said program processing apparatus based on a privacy level for the benefit of locking programs to prevent unauthorized viewers from watching programs that they are not authorized to view.

Claims 2, 4, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arsenault et al. "Arsenault" (U.S. 6,971,119) in view of Ellis et al. "Ellis" (U.S. 6,898,762).

Regarding Claim 2, Arsenault discloses a program processing system (20 – figure 1) for performing a program process using an electronic program guide, comprising: a program processing apparatus (64 – figure 3) for executing a program process (Col. 9, lines 29-33). Arsenault teaches, an electronic program guide preparation server (46 – figure 2) for preparing an electronic program guide (Col. 5, lines 50-55). Arsenault teaches, said electronic program guide preparation server (26 – figure 2) including reception means for receiving data regarding programs through a communication network (24 – figure 2; Col. 5, lines 56-61), determination means for determining a condition of each of the programs based on the data regarding the programs (Col. 16, lines 3-17), electronic program guide preparation means (48 – figure

2) for preparing an electronic program guide of a modified display form wherein a selection section for performing a process in accordance with the condition of each of the programs is displayed (142,144 – figure 7; Col. 5, line 61 – Col. 6, line 4), and transmission means (42 – figure 2) for transmitting the prepared electronic program guide to said program processing apparatus (Col. 6, lines 24-30). Arsenault discloses the broadcaster (26 – figure 2) may determine from the received programming information, that a specific premium movie that is scheduled should be recorded into cache memory 92 without the viewer's prior request in order to allow a viewer to choose when to watch the premium movie (Col. 16, lines 9-17). A broadcaster can provide an indicator [144] to indicate to the user that the broadcaster determined this program should be recorded to cache memory 92 as shown in figure 7. Further, database 48 or "electronic program guide preparation means" prepares a program guide that is formatted with display indicators 142/144 that notify the user of recordings that have been scheduled by the viewer [142] and of recordings that have been scheduled by the broadcaster [144] as shown in figure 7. The indicators 142 and 144 displayed in cells 104 and 141 as disclosed by Arsenault reads on "a selection section for performing a process in accordance with the condition of each of the programs is displayed". Arsenault teaches, program processing apparatus (64 – figure 3) including electronic program guide displaying means (74 – figure 3) for displaying the electronic program guide received through said communication network (Col. 10, line 44 – Col. 11, line 9) and program processing means (80 – figure 3) operable in response to selection of one of the selection sections displayed on the electronic program guide for executing a

program process corresponding to the selected selection section (Col. 12, lines 54-57). Arsenault discloses CPU 74 uses the received and stored program guide data in memory 78 to prepare for display the program guide on television 66. Further, Arsenault discloses logic 80 receives user selections and commands from remote control 86 and forwards the commands to CPU 74 so the commands can be executed. So, a viewer can use remote control 86 to select a cached program for viewing by selecting one of the cells 141 on cache channels 140 as shown in figure 7. Logic 80 in response to the selection of one of cell 141 or "selected section" will forward the selection data to CPU 74. Next, CPU 74 will locate the MPEG data file in additional cache memory 92 containing the selected program and output the program to D/A converter 72 in order for the analog signal to be displayed on television 66 (Col. 17, lines 4-18). Arsenault fails to disclose, wherein said electronic program guide preparation server determines whether or not an electronic program guide should be distributed to said program processing apparatus based on a privacy level of information sent thereto from said program processing apparatus.

In an analogous art, Ellis teaches, the electronic program guide preparation server (25 – figure 2c) determines whether or not an electronic program guide should be distributed to said program processing apparatus (23 – figure 2c) based on a privacy level of information sent thereto from said program processing apparatus (Col. 18, lines 32-61). Ellis discloses a user may indicate a desire to set parental controls or "privacy level" for programs and channels that are displayed in the program guide and these settings will be stored on storage device 56 of program guide server 25 (Col. 6, lines 13-

17). Programs and channels that match the user's defined parental controls will be locked and the information will not be made available.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arsenault with the teachings of Ellis in order to facilitate the electronic program guide preparation server determines whether or not an electronic program guide should be distributed to said program processing apparatus based on a privacy level for the benefit of locking programs to prevent unauthorized viewers from watching programs that they are not authorized to view.

As for Claim 4, Arsenault fails to disclose wherein a consideration which differs depending upon a privacy level of information sent from said program processing apparatus is imposed for distribution of an electronic program guide from said electronic program guide preparation server to said program processing apparatus.

In an analogous art, Ellis teaches wherein a consideration which differs depending upon a privacy level of information sent from said program processing apparatus (23 – figure 2c) is imposed for distribution of an electronic program guide from said electronic program guide preparation server (25 – figure 2c) to said program processing apparatus (Col. 18, lines 32-61). Ellis discloses a user may indicate a desire to set parental controls (2100 – figure 23) or "privacy level" for programs and channels that are displayed in the program guide and these settings will be provided to the server (2210 – figure 23) and stored on storage device 56 of program guide server 25 (Col. 6,

lines 13-17). Programs and channels that match the user's defined parental controls (2250 – figure 23) will be locked and the information will not be made available.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arsenault with the teachings of Ellis in order for a consideration which differs depending upon a privacy level of information sent from said program processing apparatus is imposed for distribution of an electronic program guide from said electronic program guide preparation server to said program processing apparatus for the benefit of locking programs to prevent unauthorized viewers from watching programs that they are not authorized to view.

Regarding Claim 11, Arsenault discloses a computer readable medium encoded with a computer program for causing a computer to execute the steps of: receiving an electronic program guide regarding a program through a communication network (Col. 5, lines 56-63). Arsenault teaches, determining a condition of each of programs based on data regarding the programs (Col. 16, lines 3-17). Arsenault discloses the broadcaster (26 – figure 2) may determine from the received programming information, that a specific premium movie that is scheduled should be recorded into cache memory 92 without the viewer's prior request in order to allow a viewer to choose when to watch the premium movie (Col. 16, lines 9-17). A broadcaster can provide an indicator [144] to indicate to the user that the broadcaster determined this program should be recorded to cache memory 92 as shown in figure 7. Arsenault teaches, preparing an electronic program guide of a modified is display form wherein a selection section for performing a

process in accordance with the condition of each of the programs is displayed, and transmitting the prepared electronic program guide toward the communication network (142,144 – figure 7; Col. 5, line 61 – Col. 6, line 4). Disclosed database 48 prepares a program guide that is formatted with display indicators 142/144 notify the user of recordings that have been scheduled by the viewer [142] and of recordings that have been scheduled by the broadcaster [144] as shown in figure 7. The indicators 142 and 144 displayed in cells 104 and 141 as disclosed by Arsenault reads on "a selection section for performing a process in accordance with the condition of each of the programs is displayed". Arsenault fails to disclose, wherein said electronic program guide preparation server determines whether or not an electronic program guide should be distributed to said program processing apparatus based on a privacy level of information sent thereto from said program processing apparatus.

In an analogous art, Ellis teaches, the electronic program guide preparation server (25 – figure 2c) determines whether or not an electronic program guide should be distributed to said program processing apparatus (23 – figure 2c) based on a privacy level of information sent thereto from said program processing apparatus (Col. 18, lines 32-61). Ellis discloses a user may indicate a desire to set parental controls or "privacy level" for programs and channels that are displayed in the program guide and these settings will be stored on storage device 56 of program guide server 25 (Col. 6, lines 13-17). Programs and channels that match the user's defined parental controls will be locked and the information will not be made available.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arsenault with the teachings of Ellis in order to facilitate the electronic program guide preparation server determines whether or not an electronic program guide should be distributed to said program processing apparatus based on a privacy level for the benefit of locking programs to prevent unauthorized viewers from watching programs that they are not authorized to view.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arsenault in view of Hatano (U.S. 6,951,031) and in further view of Ellis.

Regarding Claim 5, Arsenault discloses a program processing system (20 – figure 1) for performing a program process using an electronic program guide, comprising: a program processing apparatus (64 – figure 3) for executing a program process (Col. 9, lines 29-33). Arsenault teaches, an electronic program guide preparation server (46 – figure 2) for preparing an electronic program guide (Col. 5, lines 50-55). Arsenault teaches, said electronic program guide preparation server (26 – figure 2) including electronic program guide preparation means for preparing an electronic program guide...(142,144 – figure 7; Col. 5, line 61 – Col. 6, line 4), and transmission means (42 – figure 2) for transmitting the electronic program guide prepared by said electronic program guide preparation means (Col. 6, lines 24-30). Disclosed database 48 prepares a program guide that is formatted with display indicators 142/144 notify the user of recordings that have been scheduled by the viewer [142] and of recordings that have been scheduled by the broadcaster [144] as shown in

figure 7. The indicators 142 and 144 displayed in cells 104 and 141 as disclosed by Arsenault reads on "a selection section for performing a process in accordance with the condition of each of the programs is displayed". Arsenault teaches, program processing apparatus (64 – figure 3) including displaying means (74 – figure 3) for displaying an electronic program guide of a display form modified based on the conditions of the programs to be displayed on the electronic program guide received from said electronic program guide preparation server (figure 7; Col. 10, line 44 – Col. 11, line 9) and program processing means (80 – figure 3) for executing a program process in accordance with the conditions of the programs...in accordance with an instruction of a user (Col. 12, lines 54-57). Arsenault discloses CPU 74 uses the received and stored program guide data, including indicators 142/144 or "condition data", in memory 78 to prepare for display the program guide on television 66. Further, Arsenault discloses logic 80 receives user selections and commands from remote control 86 and forwards the commands to CPU 74 so the commands can be executed. So, a viewer can use remote control 86 to select a cached program for viewing by selecting one of the cells 141 on cache channels 140 as shown in figure 7. Logic 80 in response to the selection of one of cell 141 or "selected section" will forward the selection data to CPU 74. Next, CPU 74 will locate the MPEG data file in additional cache memory 92 containing the selected program and output the program to D/A converter 72 in order for the analog signal to be displayed on television 66 (Col. 17, lines 4-18).

However, Arsenault fails to disclose where the electronic program guide preparation server including electronic program guide preparation means for preparing

an electronic program guide in which a link to be handled by said program processing apparatus is embedded and program processing means for executing a program process in accordance with the conditions of the programs using the link embedded in the electronic program guide in accordance with an instruction of a user.

In an analogous art, Hatano teaches, the electronic program guide preparation server (1 – figure 2) including electronic program guide preparation means (11 – figure 2) for preparing an electronic program guide in which a link to be handled by said program processing apparatus is embedded (Col. 5, line 65 – Col. 6, line 16). Hatano further teaches, program processing means (2 – figure 4) for executing a program process in accordance with the conditions of the programs using the link embedded in the electronic program guide in accordance with an instruction of a user (Col. 7, lines 12-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arsenault with the teachings of Hatano in order to facilitate preparing an electronic program guide in which a link to be handled by said program processing apparatus is embedded for the benefit of updating the recording information when the broadcast time of a scheduled program changes (Hatano – Background). The combination of Arsenault and Hatano fail to disclose the electronic program guide preparation server determines whether or not an electronic program guide should be distributed to said program processing apparatus based on a privacy level of information sent thereto from said program processing apparatus.

In an analogous art, Ellis teaches, the electronic program guide preparation server (25 – figure 2c) determines whether or not an electronic program guide should be

distributed to said program processing apparatus (23 – figure 2c) based on a privacy level of information sent thereto from said program processing apparatus (Col. 18, lines 32-61). Ellis discloses a user may indicate a desire to set parental controls or "privacy level" for programs and channels that are displayed in the program guide and these settings will be stored on storage device 56 of program guide server 25 (Col. 6, lines 13-17). Programs and channels that match the user's defined parental controls will be locked and the information will not be made available.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arsenault and Hatano with the teachings of Ellis in order to facilitate the electronic program guide preparation server determines whether or not an electronic program guide should be distributed to said program processing apparatus based on a privacy level for the benefit of locking programs to prevent unauthorized viewers from watching programs that they are not authorized to view.

As for Claim 7, the combination of Arsenault and Hatano fail to disclose, wherein a consideration which differs depending upon a privacy level of information sent from said program processing apparatus is imposed for distribution of an electronic program guide from said electronic program guide preparation server to said program processing apparatus.

In an analogous art, Ellis teaches wherein a consideration which differs depending upon a privacy level of information sent from said program processing apparatus (23 – figure 2c) is imposed for distribution of an electronic program guide

from said electronic program guide preparation server (25 – figure 2c) to said program processing apparatus (Col. 18, lines 32-61). Ellis discloses a user may indicate a desire to set parental controls (2100 – figure 23) or "privacy level" for programs and channels that are displayed in the program guide and these settings will be provided to the server (2210 – figure 23) and stored on storage device 56 of program guide server 25 (Col. 6, lines 13-17). Programs and channels that match the user's defined parental controls (2250 – figure 23) will be locked and the information will not be made available.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arsenault and Hatano with the teachings of Ellis in order for a consideration which differs depending upon a privacy level of information sent from said program processing apparatus is imposed for distribution of an electronic program guide from said electronic program guide preparation server to said program processing apparatus for the benefit of locking programs to prevent unauthorized viewers from watching programs that they are not authorized to view.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. O'Steen whose telephone number is 571-272-7931. The examiner can normally be reached on 8:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DRO

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